

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
ALBANY DIVISION**

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THE HISPANIC LEADERSHIP FUND, INC.  
and FREEDOM NEW YORK,

*Plaintiffs,*

-against-

NEW YORK STATE BOARD OF ELECTIONS,  
JAMES A. WALSH, Co-chair New York State  
Board of Elections, DOUGLAS A. KELLNER,  
Co-chair New York State Board of Elections,  
EVELYN J. AQUILA, Commissioner of  
New York State Board of Elections, GREGORY  
P. PETERSON, Commissioner of New York State  
Board of Elections.

*Defendants.*

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Civ. Action No.: 1:12-cv-01337

**NOTICE OF VOLUNTARY DISMISSAL OF CLAIMS AGAINST  
DEFENDANT NEW YORK STATE BOARD OF ELECTIONS**

In light of Defendant New York State Board of Elections' ("BOE") refusal to waive Eleventh Amendment sovereign immunity, *see* Dkt. Nos. 15 (Declaration in Opposition to Motion") and 16 (Memorandum of Law in Opposition to Motion), Plaintiffs The Hispanic Leadership Fund ("HLF") and Freedom New York ("FNY") hereby voluntarily dismiss, without prejudice, the claims against BOE from this action pursuant to Fed. R. Civ. P 41(a)(1)(A)(i).

Plaintiffs HLF and FNY, however, still maintain all of their claims against the remaining Defendants, Commissioners of the BOE, as they are not cloaked in the protection of sovereign immunity.

Dated: New York, New York  
September 10, 2012

BRACEWELL & GIULIANI

/s/ Laurence A. Levy

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